IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7896 OF 2006

Smt. Moonadevi C. Gupta ...Petitioner

Versus

State of Maharashtra and others ...Respondents

Mr. M.V. Aiya for the petitioner.
Mr. V.P. Malvankar, Assistant Government Pleader, for respondent Nos. 1 to 3.

CORAM: **H.S. BEDI, C.J.,** &
DR. D.Y. CHANDRACHUD, J.
DATE: **DECEMBER 04, 2006**.

P.C.

We have heard the learned counsel for the parties.

2. The Minister concerned has taken a decision in the matter on a consideration of the merits between the two contesting parties. The learned counsel for the petitioner has, however, relied upon a judgment of this Court, a copy of which is appended as Exhibit-F to the petition, to contend that the shop of respondent No.4 was unauthorised and, therefore, could not be taken into account in the appraisal inter se the claimant.

3. We find no merit in this as the shop has been taken on leave and licence basis for five years and this is clearly authorised by clause 14 of the of the Regulation dated 25th March,1994, a copy of which is

appended at Exhibit-E to the petition. We also find that the proposed shop of the petitioner is 1.5 to 2 kilometres away from the notified area whereas the premises of respondent No.4 is within the notified area and convenient to the cardholders. The writ petition is accordingly dismissed.

CHIEF JUSTICE

DR. D.Y. CHANDRACHUD, J.